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Notice of Allowability

Application No.

09/909,965

Examiner

Jared J. Fureman

Applicant(s)

BRABAW, DARREN R.

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 5/15/2006 and the telephone interview on 8/2/2006.
2. ☒ The allowed claim(s) is/are 5,6,8-11,13-15 and 17-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20060803.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Receipt is acknowledged of the amendment, filed on 5/15/2006, which has been entered in the file. Claims 5, 6, 8-11, 13-15 and 17-23 are pending.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Steven W. Weinreib (26,520) on 2 August 2006. The examiner's amendment was necessary to correct the dependency of claim 6.

The application has been amended as follows:

Claim 6 has been amended as follows:

6. (Currently Amended) The method as set forth in claim [[4]] 21 further comprising the step of:

using a heat source which is selected from the group comprising a heat lamp, an infrared heater, a microwave generator, a hot air generator, a laser source, and a heated platen.

Allowable Subject Matter

2. Claims 5, 6, 8-11, 13-15 and 17-23 allowed have been allowed over the prior art of record.

3. The following is an examiner's statement of reasons for allowance: The prior art of record, taken alone or in combination, fails to teach or fairly suggest: (re claim 21 and dependents) a method of canceling a bar code comprising the steps of: deactuating said conveyor so as to terminate conveyance of said conveyor so as to dispose said packaging container at said work station; actuating said heat source such that the entire expanse of said thermal-direct-printed bar code label is exposed to said heat source so as to heat said entire expanse of said thermal-direct-printed bar code label to said predetermined temperature level such that said entire expanse of said thermal-direct printed bar code label becomes blackened so as to thereby render said bar code illegible and unreadable; and reactuating said conveyor so as to discharge said packaging container from said work station; (re claim 22 and dependents) an apparatus for causing cancellation of a bar code, comprising means for controlling said conveyor means so as to initially terminate conveyance of said conveyor so as to dispose the packaging container at said work station for a predetermined period of time so as to permit said heat source to heat the entire expanse of said thermal-direct-printed bar code label to said predetermined temperature level such that said entire expanse of said thermal-direct-printed bar code label becomes blackened so as to thereby render said bar code label illegible and unreadable, and for subsequently resuming conveyance of said conveyor means after the entire expanse of said thermal-direct-

printed bar code label has become blackened, so as to discharge said packaging container from said work station; in combination with the other claimed limitations as set forth in claims 21 and 22.

Also see applicant's arguments on pages 12-13, of the amendment filed on 5/15/2006.

Johnsen et al (US 5,109,153, previously cited) teaches a thermally direct printed bar code, and canceling the bar code (see the application of Johnsen et al in the office action mailed on 12/13/2005). However, Johnsen et al fails to specifically teach conveying the containers, and the operation of the conveyor and heat source as claimed.

The background of applicant's invention states that it is known to handle containers having bar codes thereon with automated equipment (see page 1, line 14 - page 3, line 21, of the specification). However, this does not teach or fairly suggest operation of the conveyor as claimed.

Roessner et al (US 5,727,654) teaches a conveyor for conveying boxes to and from a heater, and deactuating the conveyor when the boxes are disposed at the heater, and reactuating the conveyor after the boxes have been heated to the desired temperature. However, Roessner et al is directed to heating food and beverage items on an aircraft. Fitch (US 1,388,419) teaches a furnace with a conveyor that can be started and stopped (see page 3, line 123 - page 4, line 9).

However, without the benefit of applicant's teachings, there is no motivation for one of ordinary skill in the art at the time of the invention to combine the prior art in a manner so as to create the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The teachings of Roessner et al (US 5,109,153) and Fitch (US 1,388,419) have been discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (571) 272-2391. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jared J. Fureman
Primary Examiner
Art Unit 2876

August 3, 2006